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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/912,122  
Applicant : MAKOWER, Joshua  
Filed : July 24, 2001  
TC/A.U. : 3738  
Examiner : ISABELLA, David J.

Confirmation No.: 4515

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 12, 2007.

By:

Name: Nancy McElrath

Docket No. : P2004 DIV I  
Customer No. : 28390  
Title : CATHETER AND RELATED DEVICES FOR FORMING  
PASSAGEWAYS BETWEEN BLOOD VESSELS OR OTHER  
ANATOMICAL STRUCTURES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SECOND NOTICE OF APPEAL

Sir:

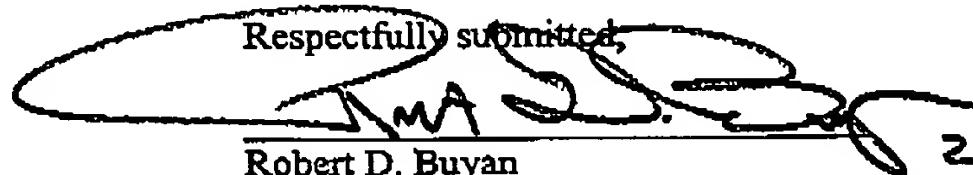
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

A Notice of Appeal was previously filed in relation to this application along with the required fee. After Applicant's appeal brief was filed, the Examiner voluntarily withdrew the finality of the prior office action and issued a new final office action. In view of this, no further fee is seen to be due in connection with this reinstatement of the appeal. MPEP §1204.01 However, if any fee is properly deemed to be due in connection with the filing of this Second Notice of Appeal, the Commissioner is authorized to deduct such fee and any other fees due from Deposit Account No. 50-0878.

Expedited Processing  
Application No. 09/912,122  
Amd. Dated:  
Reply to Final Office Action mailed October 11, 2006

If the Examiner feels that a telephone conference would could potentially eliminate the need for this appeal, the Examiner is invited to contact Applicant's counsel by telephone at (949) 450-1750.

Respectfully submitted,



2/12/07

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Attorney for Applicant

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